

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CIVIL ACTION FILE NO. 5:18-cv-176

NATIONAL CASUALTY COMPANY,

Plaintiffs,

v.

ARGONAUT GREAT CENTRAL INSURANCE
COMPANY,

Defendant.

NOTICE OF REMOVAL

**From Catawba County
18 CVS 2573**

TO: The United States District Court
For the Western District of North Carolina

Defendant Argonaut Great Central Insurance Company (hereinafter “Defendant”), by and through its undersigned counsel, does hereby exercise its rights under the provisions of 28 U.S.C. §1332, 28 U.S.C. §1441(a) and (b), and 28 U.S.C. §1446(b), to remove this action from the General Court of Justice, Superior Court Division, Catawba County, North Carolina, in which this cause is now pending as Case No. 18 CVS 2573. In support thereof, Defendant shows the Court as follows:

1. On September 10, 2018, a civil action was commenced in the Superior Court of Catawba County, North Carolina styled National Casualty Company v. Argonaut Great Central Insurance Company, No. 18 CVS 2573 (“State Court Action”), by the filing of a Complaint and issuance of a summons. A copy of the Complaint was received by the Department of Insurance on September 21, 2018.

2. This notice is being filed within thirty (30) days after receipt by the Department of Insurance of the Complaint, in accordance with 28 U.S.C. §1446(b).

3. The action brought by National Casualty Company is wholly of a civil nature over which the United States District Court for the Western District of North Carolina has original jurisdiction pursuant to 28 U.S.C. §1332 and one that may be removed by Defendant pursuant to 28 U.S.C. §1441(a) and (b) and 28 U.S.C. §1446(b), as the State Court Action is based upon allegations of contribution and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. Plaintiff seeks contribution from Defendant for the costs of defending certain people against the action captioned Willie James Grimes v. City of Hickory, et al., in the United States District Court, Western District of North Carolina, Case No. 5:14-cv-00160 (“the Grimes Civil Action”).

5. The Grimes Civil Action sought damages for the alleged wrongful conviction and imprisonment of Mr. Grimes.

6. Plaintiff alleges it provided counsel to defend certain people against the Grimes Civil Action.

7. Plaintiff contends that Defendant has a duty to contribute one-half of the costs Plaintiff allegedly incurred providing that defense. Plaintiff also seeks pre and post-judgment interest.

8. The potential pecuniary effect that a judgment in Plaintiff’s favor would have on Defendant and/or Plaintiff exceeds the sum or value of \$75,000.00, exclusive of interest and costs, pursuant to 28 U.S.C. §1332(a).

9. The District Courts of the United States have been given original jurisdiction pursuant to 28 U.S.C. §1332(a) in that complete diversity of citizenship existed at the time of the

filings of this action and still exists as between the Plaintiff and Defendant, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

10. Upon information and belief, Plaintiff is a corporation duly organized and existing pursuant to the laws of the State of Ohio with its principal place of business located in Scottsdale, Arizona.

11. Defendant is a foreign corporation organized and existing under the laws of the State of Illinois with its principal place of business in Illinois.

12. In accordance with the requirements of 28 U.S.C. §1446(a), Defendant is attaching hereto as **Exhibit A** copies of the process and pleadings filed in the Catawba County, North Carolina action.

13. Service of this Notice of Removal is being made on all parties as required by law.

14. Promptly after filing this Notice of Removal, Defendant will serve upon the Plaintiff and file with the Clerk of Superior Court of Catawba County, as required by law, a “Notice of Filing of Notice of Removal” (without exhibits) in the form attached as **Exhibit B**.

WHEREFORE, Defendant prays that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court.

This the 22nd day of October, 2018.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Walter E. Brock, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of October, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, and I have served said document this day by depositing same in the custody of the United States Postal Service, in a postage prepaid envelope, properly addressed as set forth below:

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